

**REPORT OF THE AUDIT OF THE  
PENDLETON COUNTY  
SHERIFF'S SETTLEMENT - 2005 TAXES**

**April 21, 2006**



**CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS  
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**EXECUTIVE SUMMARY**  
**AUDIT EXAMINATION OF THE**  
**PENDLETON COUNTY**  
**SHERIFF'S SETTLEMENT - 2005 TAXES**

**April 21, 2006**

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2005 Taxes for Pendleton County Sheriff as of April 21, 2006. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

**Financial Condition:**

The Sheriff collected taxes of \$5,286,873 for the districts for 2005 taxes, retaining commissions of \$186,987 to operate the Sheriff's office. The Sheriff distributed taxes of \$5,094,711 to the districts for 2005 Taxes. Taxes of \$80 are due to the districts from the Sheriff and refunds of \$479 are due to the Sheriff from the taxing districts.

**Report Comment:**

The Sheriff's Office Lacks Adequate Segregation Of Duties

**Deposits:**

On November 4, 2005, \$1,328,675 of the Pendleton County Sheriff's deposits of public funds were uninsured and unsecured.



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**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

To the People of Kentucky

Honorable Ernie Fletcher, Governor

John R. Farris, Secretary

Finance and Administration Cabinet

Honorable Henry W. Bertram, Pendleton County Judge/Executive

Honorable Lark O'Hara, Pendleton County Sheriff

Members of the Pendleton County Fiscal Court

Independent Auditor's Report

We have audited the Pendleton County Sheriff's Settlement - 2005 Taxes as of April 21, 2006. This tax settlement is the responsibility of the Pendleton County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Pendleton County Sheriff's taxes charged, credited, and paid as of April 21, 2006, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated November 2, 2006 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



To the People of Kentucky  
Honorable Ernie Fletcher, Governor  
John R. Farris, Secretary  
Finance and Administration Cabinet  
Honorable Henry W. Bertram, Pendleton County Judge/Executive  
Honorable Lark O'Hara, Pendleton County Sheriff  
Members of the Pendleton County Fiscal Court

Based on the results of our audit, we present the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The Sheriff's Office Lacks Adequate Segregation Of Duties

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen  
Auditor of Public Accounts

Audit fieldwork completed -  
November 2, 2006



PENDLETON COUNTY  
LARK O'HARA, SHERIFF  
SHERIFF'S SETTLEMENT - 2005 TAXES

April 21, 2006

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 643,631	\$ 858,141	\$ 2,286,943	\$ 597,983
Tangible Personal Property	64,101	101,979	207,505	206,289
Intangible Personal Property				21,913
Franchise Taxes	75,133	92,533	243,586	
Additional Billings	278	316	986	259
Limestone, Sand and Mineral Reserves	3,192	3,647	11,340	2,965
Bank Franchises	24,556			
Penalties	4,541	5,966	16,075	4,479
Adjusted to Sheriff's Receipt	5	7	5	5
Gross Chargeable to Sheriff	<u>815,437</u>	<u>1,062,589</u>	<u>2,766,440</u>	<u>833,893</u>
<u>Credits</u>				
Exonerations	1,829	2,389	6,452	1,658
Discounts	10,328	14,109	36,328	12,811
Delinquents:				
Real Estate	13,335	17,067	47,382	12,389
Tangible Personal Property	201	235	651	574
Uncollected Franchise Taxes	<u>2,401</u>	<u>3,496</u>	<u>7,851</u>	
Total Credits	<u>28,094</u>	<u>37,296</u>	<u>98,664</u>	<u>27,432</u>
Taxes Collected	787,343	1,025,293	2,667,776	806,461
Less: Commissions *	<u>33,749</u>	<u>38,643</u>	<u>80,033</u>	<u>34,562</u>
Taxes Due	753,594	986,650	2,587,743	771,899
Taxes Paid	752,800	985,496	2,585,283	771,132
Refunds (Current and Prior Year)	<u>813</u>	<u>1,097</u>	<u>2,899</u>	<u>765</u>
Due Districts or (Refunds Due Sheriff) as of Completion of Fieldwork	<u>\$ (19)</u>	<u>\$ 57</u>	<u>\$ (439)</u>	<u>\$ 2</u>

\* and \*\* See Next Page

The accompanying notes are an integral part of this financial statement.

PENDLETON COUNTY  
 LARK O'HARA, SHERIFF  
 SHERIFF'S SETTLEMENT - 2005 TAXES  
 April 21, 2006  
 (Continued)

\* Commissions:

10% on	\$	10,000
4.25% on	\$	2,457,329
3% on	\$	2,667,776
1% on	\$	151,768

\*\* Special Taxing Districts:

Library District	\$	(6)
Health District		(9)
Extension District		36
Soil District		(2)
Mental Health District		(3)
North Pendleton Fire District		42
Kenton Fire District		(1)

Due Districts or

(Refunds Due Sheriff)

\$ 57

PENDLETON COUNTY  
NOTES TO FINANCIAL STATEMENT

April 21, 2006

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

PENDLETON COUNTY  
NOTES TO FINANCIAL STATEMENT  
April 21, 2006  
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Sheriff does not have a deposit policy for custodial credit risk, but rather follows the requirements of KRS 41.240(4). As of April 21, 2006, all deposits were covered by FDIC insurance or a properly executed collateral security agreement. However, as of November 4, 2005, \$1,328,675 of public funds were exposed to custodial credit risk as follows:

- Uninsured and Unsecured \$1,328,675

Note 3. Tax Collection Period

The real and personal property tax assessments were levied as of January 1, 2005. Property taxes were billed to finance governmental services for the year ended June 30, 2006. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 15, 2005 through April 21, 2006.

Note 4. Interest Income

The Pendleton County Sheriff earned \$11,927 as interest income on 2005 taxes. The Sheriff distributed the appropriate amount to the school district as required by statute, and the remainder is to be used to operate the Sheriff's office.

Note 5. Sheriff's 10% Add-On Fee

The Pendleton County Sheriff collected \$25,519 of 10% add-on fees allowed by KRS 134.430(3). This amount is to be used to operate the Sheriff's office.

Note 6. Advertising Costs And Fees

The Pendleton County Sheriff collected \$342 of advertising costs and \$93 of advertising fees allowed by KRS 424.330(1) and KRS 134.440(2). The Sheriff distributed the advertising costs to the county as required by statute, and the advertising fees are to be used to operate the Sheriff's office.

Note 7. Unrefundable Duplicate Payments And Unexplained Receipts Should Be Escrowed

The Sheriff should deposit any unrefundable duplicate payments and unexplained receipts in an interest-bearing account. According to KRS 393.110, the Sheriff should properly report annually to the Treasury Department any unclaimed moneys. After three years, if the funds have not been claimed, the funds should be submitted to the Kentucky State Treasurer. For the 2005 taxes, the Sheriff had \$437 in unrefundable duplicate payments and unexplained receipts. Therefore, the Sheriff should send a written report to the Treasury Department.

COMMENT AND RECOMMENDATION



PENDLETON COUNTY  
LARK O'HARA, SHERIFF  
COMMENT AND RECOMMENDATION

As of April 21, 2006

INTERNAL CONTROL - REPORTABLE CONDITION AND MATERIAL WEAKNESS:

The Sheriff's Office Lacks Adequate Segregation Of Duties

We noted the lack of adequate segregation of duties for the internal control structure and its operation that in our judgment is a reportable condition under standards established by the American Institute of Certified Public Accountants. Due to the entity's diversity of official operations, small size and budget restrictions, the Sheriff has limited options for establishing an adequate segregation of duties. We recommend that the following compensating controls be implemented to offset this internal control weakness:

- The Sheriff should periodically compare daily tax collection totals to the receipts ledger and deposit slip.
- The Sheriff should periodically compare the bank reconciliation to the balance in the checkbook. Any differences should be reconciled.
- The Sheriff should agree monthly tax reports to the receipts ledger and disbursements ledger.

The Sheriff should document these reviews by initialing and dating the source documents.

*Sheriff's Response:*

*These are done by the Sheriff. Each year my department is written up for lack of segregation of duties. Being a small department, it is impossible to correct. When people read this in the local paper it leads them to think that we are not doing our job because they do not know what it means. I have been asked about it. I feel it should be omitted from the report.*

*Auditor's Reply:*

The Sheriff indicates that he performs the compensating controls recommended above, but if so, the auditors found no evidence of this in the form of initialing the ledgers, bank reconciliations, or monthly reports to document his reviews. The Auditor of Public Accounts (APA) has a duty to report this internal control weakness when it is brought to light. The APA is duty bound to warn not only the official but also the public when such a vulnerability of public funds exists. This comment does not state funds are missing but indicates that lack of corrective action increases risk to public funds in the future.

PRIOR YEAR:

The Sheriff Should Require Depository Institutions To Pledge Or Provide Additional Collateral Of \$961,191 To Protect Deposits

This comment has not been corrected. It is included as a note disclosure in the current year.

The Sheriff's Office Lacks Adequate Segregation Of Duties

This comment has not been corrected and is repeated in the current year.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON  
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS





**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

The Honorable Henry W. Bertram, Pendleton County Judge/Executive  
Honorable Lark O'Hara, Pendleton County Sheriff  
Members of the Pendleton County Fiscal Court

**Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards**

We have audited the Pendleton County Sheriff's Settlement - 2005 Taxes as of April 21, 2006, and have issued our report thereon dated November 2, 2006. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

**Internal Control Over Financial Reporting**

In planning and performing our audit, we considered the Pendleton County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide an opinion on the internal control over financial reporting. However, we noted a certain matter involving the internal control over financial reporting and its operation that we consider to be a reportable condition. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control over financial reporting that, in our judgment, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the financial statement. The reportable condition is described in the accompanying comment and recommendation.

- The Sheriff's Office Lacks Adequate Segregation Of Duties

A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be reportable conditions and, accordingly, would not necessarily disclose all reportable conditions that are also considered to be material weaknesses. However, we consider the reportable condition described above to be a material weakness.



Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Pendleton County Sheriff's Settlement - 2005 Taxes as of April 21, 2006, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management and the Kentucky Governor's Office for Local Development and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crit Luallen', with a long horizontal flourish extending to the right.

Crit Luallen  
Auditor of Public Accounts

Audit fieldwork completed -  
November 2, 2006

